

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 56330	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/013338	International filing date (day/month/year) 24.11.2004	Priority date (day/month/year) 10.12.2003	
International Patent Classification (IPC) or national classification and IPC B25D17/04			
Applicant WACKER CONSTRUCTION EQUIPMENT AG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
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<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/013338

Box No. I Basis of the report

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
- With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-9 as originally filed/furnished 01.08.2005 with letter
 pages* 1a received by this Authority on of 01.08.2005
 pages* _____ received by this Authority on _____
 the claims:
 nos. 5 (in part), 6-14 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19 07.12.2005 with letter
 nos.* 1-4, 5 (in part) received by this Authority on of 07.12.2005
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets 1/3-3/3 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
- The amendments have resulted in the cancellation of:
 - the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/013338Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1–14	YES
	Claims		NO
Inventive step (IS)	Claims	1–14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1–14	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: US-A-5 522 466 (HARADA ET AL), 4 June 1996
(1996-06-04)

D2: GB-A-2 171 045 (HILTI AKTIENGESELLSCHAFT),
20 August 1986 (1986-08-20)

2. Document D1, which is considered to be the closest prior art, discloses the following (the references in parentheses are to D1):

Breaker and/or hammer drill, with

- a hammer casing (1) in which at least part of a drive mechanism and a percussion mechanism are fitted,
- a grip section (2) which can move in a working direction relative to the hammer casing (1) and on which at least one handle (2) is provided,
- a guide system (13, 14, 15) for linear (implicit from the symmetrical design) guidance of the grip section (2) relative to the hammer casing (1),

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/013338

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<p>the guide system (13, 14, 15) having a roller system (4) between the hammer casing (1) and the grip section (2) (see figure 2).</p> <p>The subject matter of claim 1 differs from the hammer drill known from D1 in that the roller system allows good relative movement between the grip section and the hammer casing.</p> <p>The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p> <p>The problem addressed by the present invention can thus be seen as that of ensuring that the level of vibrations that can be transmitted from the hammer casing to the grip section is small.</p> <p>No solution to this problem is either known from or suggested by the prior art, and therefore the solution proposed in claim 11 of the application involves an inventive step (PCT Article 33(3)).</p> <p>3. Claims 2 to 14 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.</p>	